APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,290	09/08/2004	Ashish Gupta	03292.102070	5289

66569   7590   04/25/2008
FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
EBERSMAN, BRUCE I

ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
04/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *08 September 2004*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-25* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The following is a non-final first office action on the merits. Review of the Claims

Necessitated the objections and rejections below.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-21 are rejected under 35 U.S.C. 101 because Tthe claimed invention is

directed to non-statutory subject matter. Independent claim 9, (and related

dependents) drawn to and system for processing transactions (9) which do not clearly

distinguish itself as requiring the use of computers and hardware.

While the body of claim 9 recites a selection criteria "engine", the claims are considered

non-statutory because a software "engines"   would be considered software per-se.

Functional descriptive material in combination with an appropriate computer readable

medium must be capable of producing a useful, concrete and tangible result when used

in a computer system. Since the recitation of "selection criteria engines" of claim 9, is

not clear as to whether hardware is incorporated, they are not compliant with the

statutory requirements. Furthermore, the limitations in dependent claims 10-21 do not

correct the defect of claim 9. Appropriate changes are required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-3, 5-14, 16-19 rejected under 35 U.S.C. 102 E2 as being unpatentable

over US Patent Application Publication to Weichert 2004/0117302

As per claim 1, Weichert discloses;

establishing a first transaction account and a second transaction account, wherein said

first and second transaction accounts are associated with first and second transaction

account identifiers, respectively; (0029)

associating said first and second transaction account identifiers with a common account

identifier; (0004, 0032, and 0106)

receiving, at a transaction processing system, said common account identifier; (0029-

0032)

recognizing said common account identifier as being associated with more than one

account; (0029-032)

determining, based on selection criteria, at least one of said first and second transaction

accounts to access for processing said transaction, resulting in a selected transaction

account; (0029-32)

accessing said selected transaction account based on said determining step; and

(0029-32)

processing the transaction via said selected transaction account. (0032)

As per claim 3, Weichert discloses; the step of replacing said common account identifier with one of said first and second transaction account identifier associated with said selected transaction account during at least one of the accessing and processing steps. (0032, Weichert allows the use of either a common account number or can work with the account number of one account)

As per claim 5,Weichert discloses said common account identifier is identical to at least one of said first and second transaction account identifiers. (0071) (various methods are disclosed, including where a user card could also be the id mechanism which triggers the ability to select other accounts).

As per claim 6, Weichert discloses a user associating a common account identifier with said first and second transaction accounts. (032, 036-7, user can configure accounts as desired)

As per claim 7, Weichert discloses; selection criteria may be modified by a user of said first and second transaction accounts. (029-32, various methods of selection are disclosed)

As per claim 8, Weichert discloses; a settlement process comprising the steps of:

processing a request for payment to said merchant when said merchant submits a

settlement record (067)associated with said common account identifier; (032)

recording transactions processed as settlement records in a settlement table; and

paying said merchant. (067)

As per claim 9, Weichert discloses;

a first transaction account associated with a first transaction account identifier; (0030)

a second transaction account associated with a second transaction account identifier,

wherein said first (0030)

and second transaction accounts are associated with a common account identifier; and

(0030)

a selection criteria engine configured to determine, in substantially real time, which one

of said first and (0030)

said second transaction accounts to access during a financial transaction.(0030)

As per claim 10, Weichert discloses; first and second transaction accounts each

comprise at least one of a credit account, debit account, loyalty account, phone card

account and a stored value account. (041, credit and debit, claim 9 stored value)

As per Claim 11, Weichert discloses; said first and second transaction account each

comprise at least one of a credit account, debit account, loyalty account, phone card

account and a stored value account, and wherein one of said first and second

transaction accounts is represented by a physical instrument having associated

therewith indicia representing said common account identifier. (0041,0071)

As per claim 12, Weichert discloses; wherein the common account identifier is the first

transaction account identifier. (032, enabler stores a number of payment accounts,

including the payment account)

As per claim 13, Weichert discloses; the common account identifier is the first

transaction account identifier, and wherein said first transaction account comprises a

credit account. (0032, 0041, credit debit)

As per claim 14, Weichert discloses; at least one of said first transaction account

identifier, said second transaction account identifier and said common account identifier

is associated with a transaction card. (transaction card (032)

As per claim 16, Weichert discloses; said selection criteria comprise at least one of

transaction specific input based criteria and default criteria. (029-32), default – (029),

specific, (030-31)

As per claim 17, Weichert discloses; selection criteria comprise at least one of

transaction specific input based criteria and default criteria, (030-criteria)

and wherein said transaction specific input based criteria comprises at least one of pin

differentiation, prompts at an ATM, and prompts at a POS terminal. (032, POS,

prompts)

As per claim 18, Weichert discloses; selection criteria comprise at least one of

transaction specific input based criteria and default criteria, and wherein said default

criteria comprise at least one of owner selected rules and card provider rules. (0110,

user rules,0108-defualt criteria, determine if balance is sufficient)

As per claim 19, Weichert discloses; [Claim 1 9] The system of claim 9, wherein said

selection criteria comprise at least one of transaction specific input based criteria and

default criteria, and wherein said default criteria comprise at least one of minimum fund

amount rules, maximum fund amount rules, type of transaction rules, and type of

merchant rules. (minimum balance rules 0107)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 4,15,20-25 rejected under 35 U.S.C. 103(a) as being unpatentable over

Weichert in view of US Patent Application Publication to Blagg, 2004/0049452

As per claim 2; Weichert discloses; comprising the step of sending one bill to an

account holder associated with said common account identifier, (0058 Weichert, billing)

Weichert (058) does not explicitly disclose consolidated billing.

Blagg teaches wherein said bill reporting information relates to both of said first and

second transaction accounts. (0068) in a multiple credit line presentation instrument. It

would therefore have been obvious to one of ordinary skill in the art at the time of the

invention to combine the billing disclosures of Weichert with the consolidated billing of

Blagg for the motivation of simplifying the life of a user while facilitating the use of

multiple accounts with the same card. (0004)

As per claim 4, Weichert discloses;

recognizing said common account identifier as being associated with more than one

account; (0030-2)

determining, based on said selection criteria, at least one of said first and second

transaction accounts to access for processing said transaction, resulting in a selected

transaction account;(0030-1)

accessing said selected transaction account system based on said determining

step(0030-1);

Weichert does not explicitly disclose;

receiving a reconciliation file including said common account identifier and processing

the reconciliation file via a system associated with said selected transaction account.

Blagg teaches capability to settle accounts as a group or separately (0073) and

consolidated billing (068) which would include; receiving a reconciliation file including

said common account identifier; processing the reconciliation file via a system

associated with said selected transaction account. (0073) It would therefore have been

obvious ton one of ordinary skill in the art at the time of the invention to combine the

multiple account disclosures of Weichert with the separate or combined settlement of

consolidated accounts of Blagg for the motivation of allowing account holders to enjoy

the convenience of multiple accounts with one card or device. (0004)

As per claim 15, Weichert discloses;

first transaction account comprises a credit account (0030-2), could be either debit or

credit)

and said second transaction account comprises a stored value account, (0030-2)

(could be either)

and wherein one of said first and second transaction accounts is represented by a

physical instrument (0106) having associated therewith indicia representing said

common account identifier,

Weichert does not explicitly disclose a first accounting being a credit card and the

second account being shared value.

Blagg teaches a variety of combinations (0037)for the purpose of meeting customer

needs. It would therefore have been obvious to one of ordinary skill in the art at the time

of the invention to combine the multi account disclosures of Weichert with the account

choice teachings of Blagg for the motivation of

 user convenience, (0004)

As per claim 20, Weichert discloses; criteria comprise at least one of transaction

specific input based criteria and default criteria, and Weichert (059, variety of different

prioritization schemes) Weichert further discloses accessing a second account if the first

account is inadequate (0029)

Weichert does not explicitly disclose accessing stored value card first and credit card

second.

Blagg teaches;

a variety of payment methods and default criteria are anticipated (037,52, 55). It would

therefore have been obvious to one of ordinary skill in the art at the time of the invention

to combine the multi account disclosures of Weichert with the multiple criteria of Blagg

for motivation of customer convenience. (0004)

As per claim 21, Weichert does not explicitly disclose; a single billing statement is

presented showing information about transactions on the credit card account and the

stored value account.

Blagg teaches a single billing statement is presented showing information about

transactions on the credit card account and the stored value account. It would therefore

have been obvious to one of ordinary skill in the art at the time of the invention to

combine the disclosure of Weichert related to multiple accounts with the multiple billing

of Blagg for the motivation of customer convenience. (0004)

As per claim 22, Weichert discloses;

receiving transaction request information from a cardholder via a remote terminal,

wherein said request comprises a common transaction account identifier; and

(0004,0030,0106)

processing said common transaction account identifier to determine which cardholder

transaction accounts are associated therewith, (0030-2)

Weichert does not explicitly disclose;

wherein only one of said card holder transaction accounts comprise a credit card

account.

Blagg teaches a variety of combinations of cards which would include the combination

where (0037) wherein only one of said card holder transaction accounts comprise a

credit card account. It would therefore have been obvious to one of ordinary skill in the

art at the time of the invention to combine the multiple account linkage disclosures of

Weichert with the variety of accounts of Blagg to create a linked account where only one

credit card was used for the motivation of convenience to the customer who might

require only a specific set of choices such as 1 credit card and other cards(0004)

As per claim 23, Weichert discloses; 23] The process of claim 22, wherein another of

said card holder transaction accounts comprises a stored value account. (039-041)

As per claim 24, Weichert discloses;, wherein at least one of said cardholder transaction

accounts is an external transaction account. (032 and 044, no limitations on types of

accounts is disclosed)

As per claim 25, Weichert discloses; The process of claim 22, wherein said remote

terminal is a card reader. (0049)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE I. EBERSMAN whose telephone number is (571)270-3442. The examiner can normally be reached on 630am-5pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/   Bruce I Ebersman
Supervisory Patent Examiner, Art Unit 3691   Examiner
                                                                     Art Unit 3691

***